

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KIM A. HERBERT,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 1:17-cv-1462

JUDGE SARA LIOI

MEMORANDUM OPINION

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

28 U.S.C. § 636(b)(1)(C). The R&R was filed on May 1, 2018. (*See* Doc. No. 19.) No objections were filed on or before the fourteen-day deadline, and no extension of time has been sought.

The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The R&R recommends affirming the Commissioner's decision. The Court has reviewed the R&R and finds it to be very thoroughly written and reasoned. Therefore, the Court accepts the same.

Accordingly, the Court concludes that the Commissioner's decision to deny plaintiff's applications for Period of Disability, Disability Insurance Benefits, and Supplemental Security Income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* was supported by substantial evidence and must be **AFFIRMED**.

IT IS SO ORDERED.

Dated: May 25, 2018



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE